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Alleged circular issued by the District Magistrate, Tinnevelly, regarding the trial of preliminary register cases.

*859-A Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether a circular was issued by the District Magistrate, Tinnevelly, in 1926 and 1927 that sub-magistrates trying preliminary register cases should remand the accused to custody when they commit the case to the Sessions Court;

(b) whether after the above circular even in bailable offences, the accused are remanded at the time of committal to Sessions;

(c) whether the abovementioned circular is still in force;

(d) whether the Government have any intention of having the circular withdrawn; and

(e) if not, why not?

A.—(a) The attention of the hon. Member is invited to the answer already given to question No. 1170 (starred) answered on 5th November 1927.

(b), (c), (d) & (e) A report has been called for from the District Magistrate.

Mr. S. SATYAMURTI:—"Has the report been received?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Mr. S. SATYAMURTI:—"When the report is received, will the Government be pleased to lay it on the table?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I shall consider my friend's suggestion."

Alleged circular issued by the District Magistrate, Tinnevelly, regarding imprisonment of persons escaping from custody.

*859-B Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether the District Magistrate, Tinnevelly, has recently issued a circular that in all cases of escape from custody the subordinate magistrate should give imprisonment as punishment whenever a case is made out against the accused;

(b) the officer on whose suggestion this circular was sent;

(c) whether it was on the suggestion of the Sessions Judge;

(d) whether the Government propose to issue orders to the District Magistrate to cancel his circular; and

(e) if not, why not?

A.—(a) The circular issued by the District Magistrate called attention to the practice of imposing small fines in cases of conviction for escape from the custody of the officers of the civil courts and directed that imprisonment should ordinarily be imposed for such grave offences against the State and public justice.

(b) & (c) The District Magistrate issued the circular as a result of his perusing a number of calendars in these cases.

(d) & (e) The Government do not see sufficient reason to cancel the circular.

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Mr. S. SATYAMURTI :—" With reference to clauses (*d*) and (*e*), may I ask the Government the reasons why they do not see their way to cancel this circular which interferes with the judicial discretion of magistrates in awarding punishments for offences by telling those magistrates 'whatever your view of the punishment may be, you shall award imprisonment'? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because the district magistrate as the supervising magistrate in the district has power to give instructions to the subordinate magistracy."

Alleged complaints against Mr. Venkata Reddi, Sub-Magistrate of Arni.

* 860 *Q*.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(*a*) whether Mr. Venkata Reddi is the Sub-Magistrate of Arni, North Arcot district ;

(*b*) how long Mr. Venkata Reddi has been at Arni as Sub-Magistrate ;

(*c*) how many applications have been filed by parties for transfer of criminal proceedings from the file of this sub-magistrate during the six months ending with 30th September 1928 ;

(*d*) whether it is a fact that transfer applications have been filed even in cases which had far advanced and even by parties to whom the proceedings appeared to go favourably ;

(*e*) how many applications for transfer have been filed by parties even at the very commencement of criminal cases, during this period ;

(*f*) whether the Government are aware that the people of Arni, parties as well as practitioners, have no confidence about getting impartial justice from this officer ;

(*g*) whether any representation was made to the District Magistrate, North Arcot, expressing public dissatisfaction and want of confidence in this officer ; and

(*h*) whether Government are aware that there have been complaints about this officer from people in other stations where he had previously served as sub-magistrate ?

A.—(*a*) Yes.

(*b*) For about a year.

(*c*) Five applications. The number of cases on his file was 500. One out of the five applications was for transfer to the Court of the Sub-Magistrate of Vellore, on the ground of public convenience. In two of the remaining four cases, the applications were rejected and in the other two, they were allowed.

(*d*) Yes, in one case. In this case, the application was rejected. There have been no applications such as those referred to in the latter part of the question.

(*e*) In three cases applications were made before the commencement of the Proceedings.

(*f*) No.

(*g*) No.

(*h*) There were no such complaints.